

## **BOARD FOR CONTRACTORS BOARD MEETING**

### **MINUTES**

The Board for Contractors met on Wednesday, November 19, 2003 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Mark D. Kinser, Chairman  
Charles W. Falwell  
David O. Harris, Sr.  
Kenneth Hart  
Robert M. Kirby  
Anthony Orange  
William A. Paulette  
Michael D. Redifer  
Dorothy Wood

Board members, Robert O Burch, Jr., Robert M. McDowell, James Hollar, and Jennifer Parrish were not present

The following members of DPOR staff were also present during some or the entire meeting:

Louise Fontaine Ware, Director  
Sandra Whitley Ryals, Chief Deputy     Director  
Karen O'Neal, Deputy Director, Regulatory Programs  
Eric L. Olson, Executive Director, Contractors  
Kimberly Freiburger, Regulatory Boards Administrator,  
Contractors  
Sheila Watkins, Administrative Assistant, Contractors  
Jennifer Kazzie, Assistant Director, Adjudication  
Victoria Traylor, Legal Assistant, Contractors  
Wayne Brown, Criminal Investigator, Enforcement

Chairman Robert Kinser called the meeting to order at 9:05 a.m. and that a quorum of board members was in attendance.

Call  
To Order

A motion was made by Mr. Paulette and seconded by Mr. Falwell to approve the agenda . The motion passed unanimously. Members voting "Yes" were Falwell, Harris, Hart, Kinser, Kirby, Orange, Paulette, Redifer and Wood. There were no negative votes.

Approval  
of the  
Agenda

A motion was made by Mr. Hart and seconded by Mr. Harris that the minutes of the meeting held October 8, 2003, and the IFF meetings held September 16, 25 and 30, October 8 and 14, 2003 be approved. The motion passed with a unanimous vote. Members voting "Yes" were Falwell, Harris, Hart, Kinser, Kirby, Orange, Paulette, Redifer and Wood. There were no negative votes.

Approval of  
Minutes  
Contractor  
Board  
10/8/03 &  
IFF 9/16,  
9/25, 30 &  
10/8 & 14  
2003  
meetings

Chairman Kinser asked the members of the public whether they had any comments. Mr. John Strange addressed the Board and shared his comments.

Public  
Comment  
Period

**In the matter of File Number 2003-03383, Elmo and Mary Lawrence (Claimants) and Carl E. Thacker t/a C.E. Thacker Construction (Regulant), the board reviewed the Recovery Fund file Record # 2003-03383, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. Henry Marsh (Attorney) for the (Claimants) was present and addressed the Board. Mr. Marsh shared with the Board that he'd like them to reconsider the Lawrence's case. Mr. Lawrence attended the IFF and the Board meeting. Mr. Thacker (Regulant) did not attend the IFF or the Board meeting and he was not represented by counsel or any other representative. The hearing officer Parrish, who conducted the Informal Fact Finding Conference, was absent and did not participate or vote in this matter. Upon a motion by Orange (with his acceptance of a friendly amendment by Paulette to have Parrish hear the case) seconded by Redifer. The board voted to remand the case back to adjudication for a new IFF. The motion was approved with a unanimous vote. Members voting "Yes" were Falwell, Harris, Hart, Kinser, Kirby, Orange, Paulette, Redifer and Wood. There were no negative votes.**

**5(1)  
File  
2003-03383  
Elmo &  
Mary  
Lawrence**

**In the matter of File Number 2002-00203, Richard and Susan Harpe (Complainants) and Steve Cocoli (Respondent) t/a Hudson Roofing Company; Disciplinary File**, the board reviewed the **Record # 2002-00203**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Richard Harpe (Complainant)** appeared before the board and voiced his agreement with the hearing officer's recommendation. **Mr. Cocoli (Regulant)** did not attend the IFF or the Board meeting and he was not represented by counsel or any other representative. The hearing officer **Neff** was not present and did not vote. Upon a motion by **Hart** seconded by **Wood** the board voted to accept the recommendation of the hearing officer for violations. The motion was adopted with a "yes" vote of eight and a "no" vote of one. **Members voting yes were:** Falwell, Harris, Hart, Kinser, Kirby, Orange, Paulette, and Wood. Redifer cast the no vote. **Hart** offered a motion seconded by **Wood** to accept the hearing officer's recommendations for sanctions as follows: **The Board found clear and convincing evidence that Hudson Roofing Company violated the following sections of its 1999 regulation: Count 2, 18 VAC 50-22-260(B)(6), the Board voted that no monetary penalty be imposed the violation of this regulation. As to Count 1, 18 VAC 50-22-260(B)(6) the Board closed this aspect of the file with a finding of no violation. Those members voting "Yes" were: Falwell, Harris, Hart, Kinser, Kirby, Paulette, Wood and Orange. Redifer cast the no vote. The motion was approved.**

**5 (2)**  
**File**  
**2002-00203**  
**Hudson**  
**Roofing**  
**Company**

**In the matter of File Number 2003-01337, Jay Yancey t/a J T Y Builders, Inc.** the board reviewed the record, which consisted of the file, transcript and exhibits from the IFF, and the presiding board member's summary and recommendation. **Mr. Jay Yancey (Regulant)** appeared before the board voicing his disagreement with the hearing officer's recommendation. Neither he nor any qualified representative of the company made an appearance at the IFF in person or by counsel. **Michael and Sandra Walker (Complainants)** appeared at the IFF and the Board meeting. **Mr. Walker** shared his agreement with the hearing officer's summary and recommendations. The hearing officer, **Paulette** was recused and did not participate in the discussion or vote in this matter. **Orange** offered a motion seconded by **Kirby** with **Falwell** abstaining, to accept the hearing officer's recommendations and summary for violations. The Board found evidence that **JTY Builders, Inc.** violated the following: **1999 Regulations; Count 1: 18 VAC 50-22-260 (B)(8); Count 2: 18 VAC50-22-260(B)(5); Count 3: 18 VAC50-22-260(B)(6); Count 4: 18 VAC50-22-260(B)(7); Count 5: 18 VAC50-22-260(B)(12); Count 6: 18 VAC50-22-260(B)(12). Those members voting yes were: Harris, Hart, Kinser, Kirby, Wood, Redifer and Orange. The motion was approved.**

**5(3)**  
**File**  
**2003-01337**  
**JTY**  
**Builders**

**Orange** offered a motion seconded by **Hart** with **Falwell** abstaining, to accept the hearing officer's recommendations and summary for sanctions. The Board imposed the sanction of revocation of JTY Builders, Inc.'s license 2705-051553 and imposed the following penalties: **Count 1: \$500.00; Count 2: \$2,500.00; Count 3: \$500.00; Count 4: \$2,500.00; Count 5: \$2,500.00; Count 6: \$2,500.00. Total amount of imposed penalties \$11,000.00. Those members voting yes were: Harris, Hart, Kinser, Kirby, Wood, Redifer and Orange. The motion was approved.**

**In the matter of File Number 2003-02128, Steven W. McNeil & Lisa Y. McNeil (Claimants) and JTY Builders, Inc., t/a JTY Builders, Inc. (Regulant); Recovery Fund File;** the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Jay Yancey (Regulant)** appeared before the board voicing his disagreement with the hearing officer's recommendation. Neither he nor any qualified representative of the company made an appearance at the IFF in person or by counsel. **Mr. Steven McNeil (Claimant)** appeared at the IFF and the Board meeting. Mr. McNeil shared his agreement with the hearing officer's summary and recommendations. The hearing officer, **Paulette** was recused and did not participate in the discussion or vote in this matter. **Kirby** offered a motion seconded by **Hart** with **Falwell** abstaining, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$10,000.00. Those members voting yes were: Harris, Hart, Kinser, Kirby, Wood, Redifer and Orange. The motion was approved.**

**5(4)  
File  
2003-02128  
JTY  
Builders  
Inc.**

**In the matter of File Number 2003-02933, Jay Yancey t/a J T Y Builders, Inc., Disciplinary File;** the board reviewed the record, which consisted of the file, transcript and exhibits from the IFF, and the presiding board member's summary and recommendation. **Mr. Jay Yancey (Regulant)** appeared before the board voicing his disagreement with the hearing officer's recommendation. Neither he nor any qualified representative of the company made an appearance at the IFF in person or by counsel. **Mr. Robert Anderson (Complainant)** did not appear at the IFF or the Board meeting. The hearing officer, **Paulette** was recused and did not participate in the discussion or vote in this matter. **Orange** offered a motion seconded by **Kirby** with **Falwell** abstaining, to accept the hearing officer's recommendations and summary for violations. The Board found evidence that JTY Builders, Inc. violated the following: 1999 Regulations; **Count 1: 18 VAC 50-22-260 (B)(8); Count 2: 18 VAC50-22-260(B)(5) and it's 2001 Regulations; Count 3: 18 VAC50-22-260(B)(12). Those members voting yes were: Harris, Hart,**

**5(5)  
File  
2003-02933  
JTY  
Builders  
Inc.**

**Kinser, Kirby, Wood, Redifer and Orange.** The motion was approved. **Ms. Traylor** pointed out a typographical error in the summary and recommendation: in Count 2 the effective date is listed as May 2, 1999 and it should be listed as May 1<sup>st</sup>, 1999. **Hart** offered a motion seconded by **Redifer** with **Falwell** abstaining, to accept the hearing officer's recommendations and summary for sanctions. The Board imposed the sanction of revocation of JTY Builders, Inc.'s license 2705-051553 and imposed the following penalties: **Count 1: \$500.00; Count 2: \$2,500.00 and Count 3: \$1,000.00. Total amount of imposed penalties \$4,000.00.** Those members voting yes were: **Harris, Hart, Kinser, Kirby, Wood, Redifer and Orange.** The motion was approved.

In the matter of File Number 2003-01684, **Howard Lee Bishop (Claimant)** and **Stanley Licalzi t/a Sundance Construction (Regulant); Recovery Fund File;** the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Stanley Licalzi (Regulant)** nor any qualified representative of the company made an appearance at the IFF or Board meeting in person or by counsel. **Mr. Howard Lee Bishop (Claimant)** appeared at the IFF and the Board meeting. **Mr. Licalzi** shared his agreement with the hearing officer's summary and recommendations. He also shared he'd like the Board to review the Recovery Fund process and see if they can streamline the process. The hearing officer, **Paulette** was recused and did not participate in the discussion or vote in this matter. **Redifer** offered a motion seconded by **Orange**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$1,647.00.** Those members voting yes were: **Falwell, Harris, Hart, Kinser, Kirby, Wood, Redifer and Orange.** The vote was unanimous. The motion was approved.

5(6)  
File  
2003-01684  
Sundance  
Construct-  
ion

In the matter of File Number 2003-03340, **James A Sanderson, Jr.; Application for License,** the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Sanderson** and **Mr. Robert Pritchard** his attorney appeared at the IFF and the board meeting. **Mr. Pritchard** addresses the Board and shared with the board his client's agreement with hearing officer's summary and recommendation. The hearing officer **Hollar** was absent and did not participate and did not vote. **Orange** offered a motion to accept the hearing officer's recommendation and grant the license. **Falwell** seconded the motion. Those members

5(7)  
File  
2003-03340  
James A.  
Sanderson,  
Jr.

voting yes were: **Falwell, Harris, Paulette, Redifer and Orange.** Those members voting no were: **Kirby, Hart, Kinser and Wood.** The motion was approved and the license was granted.

**In the matter of File Number 2003-03084, Ronald G. Hollinger (Respondent) t/a Hollinger Homes; Disciplinary File,** the board reviewed the record, which consisted of the file, transcript and exhibits from the IFF, and the presiding board member's summary and recommendation. **Mr. Ronald G. Hollinger (Regulant) and Mr. Michael Rigsby,** his attorney appeared at the IFF and the board meeting. **Mr. Rigsby** requested that the Board allow **Mr. Hollinger** to have a reduced penalty. He shared that **Mr. Hollinger** is currently trying to satisfy some judgments and he is requesting that his license not be revoked. **Costen Floors, Inc. (Complainant)** did appear at the IFF with counsel **Derrick E. Rosser** but they did not attend the Board meeting. The hearing officer, **Kirby** was recused and did not participate in the discussion or vote in this matter. **Paulette** offered a motion seconded by **Wood** to accept the hearing officer's recommendations and summary for violations. The Board found evidence that **Ronald G Hollinger** violated the following: **2001 Regulations; Count 1 18 VAC 50-22-260 (B)(28).** Those members voting yes were: **Falwell, Harris, Hart, Kinser, Orange, Paulette, Redifer and Wood.** The motion was approved. **Ms.Traylor** pointed out that **Mr. Hollinger** has seven priors. **Redifer** offered a motion seconded by **Falwell** to accept the hearing officer's recommendations and summary for sanctions. The Board imposed the sanction of revocation of **Hollinger's** license 2705-066204 and imposed the following penalties: **Count 1: \$2,500.00 and license revocation. Total amount of imposed penalties \$2,500.00** Those members voting yes were: **Falwell, Harris, Hart, Kinser, Paulette, Wood, Redifer and Orange.** The motion was approved.

5(8)  
File  
2003-03084  
Ronald G.  
Hollinger

**In the matter of File Number 2003-03085, Ronald G. Hollinger (Respondent) t/a Hollinger Homes; Disciplinary File,** the board reviewed the record, which consisted of the file, transcript and exhibits from the IFF, and the presiding board member's summary and recommendation. **Mr. Ronald G Hollinger (Regulant) and Mr. Michael Rigsby,** his attorney appeared at the IFF and the board meeting. **Mr. Rigsby** requested that the Board allow **Mr. Hollinger** to have a reduced penalty. He shared that **Mr. Hollinger** is currently trying to satisfy some judgments and he is requesting that his license not be revoked. **Mr. Derrick E Rosser, attorney for Mr. Nathan Barbuto (Complainant)** appeared at the IFF but did not attend the Board meeting. The hearing officer, **Kirby** was recused and did not participate in the

5 (9)  
File  
2003-03085  
Ronald G.  
Hollinger

discussion or vote in this matter. **Redifer** offered a motion seconded by **Falwell** to accept the hearing officer's recommendations and summary for violations. The Board found evidence that Ronald G Hollinger violated the following: **2001 and 2003 Regulations**; 2001 violations: **Count 1: 18 VAC 50-22-260 (B)(28); Count 2: 18 VAC 50-22-260(B)(28); Count 3: 18 VAC 50-22-260(B)(28); Count 4: 18 VAC 50-22-260 (B)(28); Count 5: 18 VAC 50-22-260(B)(28); Count 6: 18 VAC 50-22-260(B)(28); Count 7: 18 VAC 50-22-260 (B)(28).** 2003 violations: **Count 8: 18 VAC 50-22-260(B)(28); Count 9: 18 VAC 50-22-260(B)(28); Count 10: 18 VAC 50-22-260(B)(28); Count 11: 18 VAC 50-22-230(A); Count 12: 18 VAC 50-22-260(B)(2).** The motion was approved with a unanimous vote. Members voting yes were: **Falwell, Harris, Hart, Kinser, Orange, Paulette, Redifer and Wood.** **Ms. Traylor** pointed out that **Mr. Hollinger** has seven priors and that the body of the summary contained three typographical errors. For counts 8, 9 and 10 the 2003 Regulations should be cited and not the 2001. **Redifer** offered a motion seconded by **Falwell** to accept the hearing officer's recommendations and summary for sanctions. The Board imposed the sanction of revocation of Hollinger's license **2705-066204** and imposed the following penalties: **Count 1, \$2,500.00; Count 2, \$2,500.00; Count 3, \$2,500.00; Count 4, \$2,500.00; Count 5, \$2,500.00; Count 6, \$2,500.00; Count 7, \$2,500.00; Count 8, \$2,500.00; Count 9, \$2,500.00; Count 10, \$2,500.00; Count 11, \$350.00 and Count 12, \$500.00. Total amount of imposed penalties \$25,850.00** Those members voting yes were: **Falwell, Harris, Hart, Kinser, Paulette, Wood, Redifer and Orange.** The motion was approved.

In the matter of File Number 2002-02678, **Bruce Benishek t/a Benishek Home Improvement, Disciplinary Record File**, the board reviewed the **Record # 2002-02678**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary and recommendation. **Bruce Benishek (Respondent)** appeared at the Board meeting and the IFF. He expressed his need for an extension of time in order to complete the payment of penalties imposed. **Joseph and Sharon Fink (Complainants)** did not appear in person at the IFF or the Board meeting by counsel or by any other qualified representative. The hearing officer **Falwell** recused himself and did not participate in the discussion and did not vote. Upon a motion by **Orange**, seconded by **Paulette**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Bruce Benishek** violated the following sections of its 1999 Regulations: **Count 1: 18 VAC 50-22-260(B)(8); Count 2: 18 VAC 50-22-260(B)(12); Count 3: 18 VAC 50-22-260(B)(6). Count 4: 18 VAC 50-22-260(B)(23).** The motion was approved with a unanimous vote. Those members voting "Yes" were:

5 (10)  
File (Start)  
2002-02678  
Benishek  
Home  
Improve-  
ment

**Harris, Hart, Kinser, Kirby, Orange, Paulette, Redifer and Wood.** The motion was approved. **Victoria Traylor** shared with the Board that the minutes need to reflect a typographical error in the Summary under Count 4 it states 1999 Regulations and it should reference the Board's 2001 Regulations. This was noted. Upon a motion by **Orange** seconded by **Paulette** the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1: \$250.00; Count 2: \$250.00; Count 3: \$500.00; Count 4: \$500.00 and successful completion of Remedial Education.** The total assessed monetary penalty is \$1,000.00. The motion was approved. Those members voting "Yes" were: **Kinser, Kirby, Orange, Hart, Paulette and Redifer.** Those members voting "No" were: **Harris and Wood.** **If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended. If Mr. Benishek does not successfully complete the Board's Basic Contracting Licensing Class (remedial education) his license, 2705-004583 will be automatically revoked.**

**In the matter of File Number 2003-03530, Tyler F. Kirkner t/a Tin Man Specialties, Application for License,** the board reviewed the **Record # 2003-03530**, which consisted of the license file, transcript, exhibits from the IFF, and the presiding board member's summary. **Tyler F. Kirkner** appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement with the hearing officer's recommendation. The hearing officer **Kirby** recused himself and did not participate in the discussion and did not vote. Upon a motion by **Orange** seconded by **Wood** the board voted to accept the recommendation of the hearing officer and grant the license. The motion was approved. The vote was unanimous. Those members voting "Yes" were: **Falwell, Harris, Hart, Orange, Kinser, Paulette, Wood and Redifer.** **Mr. Kirkner** requested permission to speak. **Chairman Kinser** granted permission. **Mr. Kirkner** shared that his dealings with the Department of Professional and Occupational Regulations' employees had been a very pleasant one. He stated, "The employees were very professional and helpful".

**5 (11)  
File  
2003-03530  
Tyler F.  
Kirkner**

**In the matter of File Number 2003-00425, M & K Sales Consulting, Inc. t/a M & K Sales Consulting, Inc., Disciplinary Record File,** the board reviewed the **Record # 2003-00425**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Kathy Gordon (respondent) for M & K Sales Consulting, Inc.** did not appear at the IFF and was not represented by counsel or any other qualified person. Ms. Gordon attended the Board meeting and addressed the Board as a representative of M & K Sales

**5 (12)  
File  
2003-00425  
M & K  
Sales  
Consulting,  
Inc.  
Building**



Consulting, Inc. She expressed her disagreement with the hearing officer's recommendations. Ms. Laurie Copan was also present at the Board meeting. **Christopher and Cheryl Esposito (complainants)** did not attend the IFF or the Board meeting in person or by counsel or by any other qualified representative. The hearing officer **Redifer** recused himself and did not vote. Upon a motion by **Wood** seconded by **Kirby** the board voted to accept the recommendation for the violations as follows: **The Board found clear and convincing evidence that M & K Consulting, Inc. violated its 2001 Regulations as follows: Count 1: 18 VAC 50-22-260(B)(8); Count 2: 18 VAC 50-22-260(B)(27); Count 3: 18 VAC 50-22-220(A); Count 4: 18 VAC 50-22-220(B); Count 5: 18 VAC 50-22-220(C).** The motion was approved. The vote was unanimous. Those members voting "Yes" were: **Falwell, Harris, Hart, Kinser, Kirby, Orange, Wood and Paulette.** Upon a motion by **Wood** seconded by **Falwell** the board voted unanimously to adopt the recommendations for the sanctions as follows: **Count 1: \$350.00; Count 2: \$1,000.00; Count 3: \$350.00; Count 4: \$350.00; Count 5: \$350.00.** For a total penalty of \$2,400.00 and successful completion of Remedial Education. The motion was approved. The vote was unanimous. Members voting yes were: **Falwell, Harris, Hart, Kinser, Kirby, Orange, Wood and Paulette.** If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended. If M & K Sales Consulting, Inc. does not comply with the terms of the order and successfully complete the Basic Contractor Licensing Class (remedial education) it's license 2705-063827 will be revoked.

Corp

In the matter of File Number 2003-01538, **Theo and Delia Hartmann (Claimants)** and **Kelly Peregoy t/a Master Roofing (Regulant); Recovery Fund File**; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Ms. Kelly Peregoy (Regulant)** nor counsel or any other qualified representative of the company made an appearance at the IFF or Board meeting. **Ms. Delia Hartmann (Claimant)** appeared at the IFF and the Board meeting. She shared her agreement with the hearing officer's summary and recommendations. The hearing officer, **Paulette** was recused and did not participate in the discussion or vote in this matter. **Wood** offered a motion seconded by **Orange** to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of \$1,586.25. **Those members voting yes were: Falwell, Harris, Hart, Kinser, Kirby, Wood, Redifer and Orange.** The motion was approved with a unanimous vote.

5 (13)  
File  
2003-01538  
Master  
Roofing

**In the matter of File Number 2004-00210, Fredrick H. Ramsay; Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Ramsay** attended the IFF and appeared before the board. **Mr. Ramsay** shared his agreement with the hearing officer's summary and recommendation. The hearing officer **Kirby** recused himself and did not participate in the discussion and did not vote. **Orange** offered a motion to accept the hearing officer's recommendation and grant the license. **Falwell** seconded the motion. The motion was approved with a unanimous "Yes" vote. Members voting were: **Harris, Hart, Orange, Falwell, Kinser, Paulette, Redifer, and Wood**. The license was granted. **Mr. Ramsay** requested to speak. **Mr. Kinser** granted permission. **Mr. Ramsay** made a public apology for his indiscretions in life and thanked the Board for granting his license and allowing him a means of making a living.

**5 (14)**  
**File**  
**2004-00210**  
**Fredrick H.**  
**Ramsay**  
**License**  
**Application**

**In the matter of File Number 2000-03586, Javier E. Zavaleta (Respondent) t/a Remodel America Disciplinary Record File**, the board reviewed the **Record # 2000-03586**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Javier Zavaleta (Respondent) for Remodel America** appeared at the Board meeting and the IFF. He expressed his concerns with the Board members recommendations. He admitted he made an error and didn't think about changing his license status. With reference to counts 2 & 3 he has a letter for the Fairfax County Investigator, **Wil Slaughter** stating the work was completed per contract and the case was dismissed. **Donald Williams (Complainant)** did not attend the IFF or the Board meeting. The hearing officer **Redifer** recused himself and did not participate and did not vote. Upon a motion by **Paulette**, seconded by **Orange**, the board voted to accept the recommendation for the violations with amendments as follows: **The Board found clear and convincing evidence that Javier Zavaleta violated its 1999 Regulations: Count 1: 18 VAC 50-22-230(A); Count 4: 18 VAC 50-22-260(B)(8). For Count 2: 18 VAC 50-22-260 (B)(12) and Count 3: 18 VAC 50-22-260(B)(12), the Board closed this aspect of the file with a finding of no violation. The motion was approved with a unanimous vote. Those members voting "Yes" were: Falwell, Hart, Harris, Kinser, Kirby, Orange, Paulette, and Wood. Upon a motion by Paulette seconded by Orange the board voted unanimously to adopt the recommendations for the sanctions as follows: Count 1, \$350.00. Count 4, \$500.00. For a total of \$850.00 in penalties and successful completion of Remedial Education. The motion was approved. Those members voting were: Falwell, Harris, Hart, Kirby, Orange, Kinser, Paulette and Wood. If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended. If**

**5 (15)**  
**File**  
**2000-03586**  
**Remodel**  
**America**

**Javier E. Zavaleta does not comply with the terms of the order and successfully complete the Basic Contractor Licensing Class (remedial education) his license 2705-020004 will be revoked.**

**In the matter of File Number 2003-00632, Javier E. Zavaleta (Respondent) t/a Remodel America Disciplinary Record File, the board reviewed the Record # 2003-00632, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Javier Zavaleta (Respondent) for Remodel America appeared at the Board meeting and the IFF. He expressed his concerns with the Board members recommendations. He admitted he made an error and feels he's already paid his obligation to the state and to the Burda's. Zavaleta produced copies of cancelled checks as proof that he had settled his financial obligations to the Burda's. Tim and Michelle Burda (Complainants) attended the IFF but not the Board meeting. The hearing officer Redifer recused himself and did not participate and did not vote. Upon a motion by Falwell, seconded by Harris, the board voted to accept the recommendation for the violations with amendments as follows: The Board found clear and convincing evidence that Javier Zavaleta violated its 1995 and 2001 Regulations: Count 1 (1999): § 5.2.3; Count 2: 18 VAC 50-22-230(A); Count 3: 18 VAC 50-22-260 (B)(9) and Count 5: 18 VAC 50-22-260(B)(5). Counts 4: 18 VAC 50-22-260(B)(15); Count 6: 18 VAC 50-22-260(B)(28); Count 7: 18 VAC 50-22-260(B)(28) the Board closed this aspect of the file with a finding of no violation. The motion was approved with a unanimous vote. Those members voting "Yes" were: Falwell, Hart, Harris, Kinser, Kirby, Orange, Paulette, and Wood. Upon a motion by Falwell seconded by Hart the board voted unanimously to adopt the recommendations for the sanctions with amendments as follows: Count 1, decreased from \$350.00 to \$100.00. Count 2, decreased from \$350.00 to \$100.00. Count 3, \$500.00 and Count 5, decreased from \$750.00 to \$500.00. The Board decreased the monetary penalties to be consistent with previous Board actions for similar violations and agreed the violations were not sufficient enough to warrant the higher penalty. For a total of \$1,200.00 in penalties and successful completion of Remedial Education. The motion was approved. Those members voting were: Falwell, Harris, Hart, Kirby, Orange, Kinser, Paulette and Wood. If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended. If Javier E. Zavaleta does not comply with the terms of the order and successfully complete the Basic Contractor Licensing Class (remedial education) his license 2705-020004 will be revoked.**

5 (16)  
File  
2003-00632  
Remodel  
America

**In the matter of File Number 2004-00156, Judith M. Davis t/a Top Notch Construction, LLC; Application for License, the board**

5 (17)  
File

reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Ms. Davis attended the IFF and appeared before the board. She shared her agreement with the hearing officer's summary and recommendation. The hearing officer Paulette recused himself and did not participate and did not vote. Kirby offered a motion to accept the hearing officer's recommendation and grant the license. Falwell seconded the motion. The motion was approved with a unanimous "Yes" vote. Members voting were: Orange, Falwell, Kinser, Hart, Kirby, Harris, Redifer, and Wood. The license was granted.

2004-00156  
Judith M.  
Davis

In the matter of File Number 2002-02882, Andrew W. Hairston (Respondent) t/a Handy Andy's Home Improvement Disciplinary Record File, the board reviewed the Record # 2002-02882, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Edna Wilson (complainant) and her husband Melvin Wilson both attended the IFF but not the Board meeting. Andrew W. Hairston (Respondent) and his wife Margaret Hairston appeared at the IFF. Mr. Hairston attended the Board meeting and expressed his disagreement with the hearing officer's summary and recommendations. The hearing officer Kirby recused himself and did not participate and did not vote. Upon a motion by Orange seconded by Paulette the board voted to accept the recommendation for the violations as follows: The Board found clear and convincing evidence that Andrew W. Hairston t/a Handy Andy's Home Improvement violated the following sections of its 1999 and 2001 Regulations: Count 1 (1999): 18 VAC 50-22-260(B)(8); Count 2 (2001): 18 VAC 50-22-260(B)(15), Count 3(2001): 18 VAC 50-22-260(B)(16), Count 4 (2001): 18 VAC 50-22-260(B)(6). The motion was approved with a unanimous vote. Those members voting "Yes" were: Falwell, Hart, Redifer, Kinser, Paulette, Wood, Harris and Orange. Upon a motion by Falwell, seconded by Harris, the board voted to accept the hearing officer's recommendations for the sanctions with amendments as follows: The Board imposed the following sanctions: Count 1: \$350.00, Count 2: decreased from \$2,500.00 to \$500.00 with no license revocation, Count 3: decreased from \$2,500.00 to \$500.00, Count 4: decreased from \$1,000.00 to \$500.00 for a total monetary penalty of \$1,850.00. The Board felt the violations were not sufficient enough to warrant the maximum penalties. If the penalties are not paid within 60 days of the date of the order the license (2705-016508) will automatically be suspended. The motion was approved with a unanimous vote. Those members voting "Yes" were: Falwell, Harris, Hart, Kinser, Paulette, Wood, Redifer and Orange.

5(18)  
File  
2002-02882  
Andrew W.  
Hairston

**In the matter of File Number 2004-00708, Glen Aaron Osvold, Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Osvold** attended the IFF and the Board meeting. He expressed his agreement with the hearing officer's recommendation. The hearing officer **Redifer** recused himself and did not participate and did not vote. **Wood** offered a motion to accept the hearing officer's recommendation and grant the license. **Falwell** seconded the motion. The motion was approved with a unanimous "Yes" vote. Members voting were: **Orange, Falwell, Kinser, Kirby, Hart, Wood, Harris and Paulette**. The license was granted.

**5 (19)  
File  
2004-00708  
Glen Aaron  
Osvold**

**In the matter of File Number 2003-01621, Tom and Terry Burgan (Claimants) and Cheryl P. Edmonds t/a Quality Contractors (Regulant); Recovery Fund File**; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Ms. Cheryl P. Edmonds (Regulant)** nor any qualified representative of the company made an appearance at the IFF or Board meeting in person or by counsel. **Mr. Burgan (Complainant)** appeared at the Board meeting but not the IFF and he was not represented by counsel or any other qualified representative. **Mr. Burgan** shared his agreement with the hearing officer's summary and recommendations. The hearing officer, **Paulette** was recused and did not participate in the discussion or vote in this matter. **Orange** offered a motion seconded by **Wood**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of \$10,000.00. Those members voting yes were: **Falwell, Harris, Hart, Kinser, Kirby, Wood, Redifer and Orange**. The motion was approved by the unanimous vote.

**5(20)  
File  
2003-01621  
Quality  
Contractors**

**In the matter of File Number 2003-00884, William Drezek (Claimant) and Mark C. Layman t/a Layman Custom Homes (Regulant); Recovery Fund File**; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Mark Layman (Regulant)** nor any qualified representative of the company made an appearance at the IFF or Board meeting in person or by counsel. **Mr. William Drezek (Claimant)** appeared at the IFF but not the Board meeting. The hearing officer, **Paulette** was recused and did not participate in the discussion or vote in this matter. **Redifer** offered a motion seconded by **Kirby**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of \$

**5 ( 21)  
File  
2003-00884  
Layman  
Custom  
Homes**

**5,034.00. Those members voting yes were: Falwell, Harris, Hart, Kinser, Kirby, Wood, Redifer and Orange. The motion was approved by the unanimous vote.**

**In the matter of File Number 2002-00832, Bela Banyai (Respondent) t/a Bela Banyai, Disciplinary Record File, the board reviewed the Record # 2002-00332, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Bela Banyai (Respondent) did not appear at the Board meeting or the IFF. He was not represented by counsel nor by any other qualified representative. Mahmond Elgibali (Complainant) did not attend the IFF or the Board meeting. The hearing officer Falwell recused himself and did not participate and did not vote. Upon a motion by Hart, seconded by Redifer, the board voted to accept the recommendation for the violations as follows: The Board found clear and convincing evidence that Bela Banyai violated its 2001 Regulations: Count 1: 18 VAC 50-22-260(B)(9); Count 2: 18 VAC 50-22-230(A) and. Count 3: 18 VAC 50-22-260 (B)(1). The motion was approved with a unanimous vote. Those members voting "Yes" were: Redifer, Hart, Harris, Kinser, Kirby, Orange, Paulette, and Wood. Upon a motion by Hart seconded by Redifer the board voted unanimously to adopt the recommendations for the sanctions as follows: Count 1, \$250.00. Count 2, \$150.00 and Count 3, \$250.00. For a total of \$650.00 in penalties and successful completion of Remedial Education. The motion was approved. Those members voting were: Redifer, Harris, Hart, Kirby, Orange, Kinser, Paulette and Wood. If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended. If Bela Banyai does not comply with the terms of the order and successfully complete the Basic Contractor Licensing Class (remedial education) his license 2705-063118 will be revoked.**

**5 (22)  
File  
2002-00832  
Bela Banyai**

**In the matter of File Number 2002-03219, Mark S. Carlson (Respondent) t/a Mark Carlson Well Pump Service, Disciplinary Record File, the board reviewed the Record # 2002-03219, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mark S. Carlson (Respondent) nor counsel nor any other qualified representative appeared at the Board meeting or the IFF. Robert L. Smith (Complainant) did not attend the IFF or the Board meeting. The hearing officer Parrish was absent and did not participate and did not vote. Falwell recused himself and did not participate and did not vote. Upon a motion by Redifer, seconded by Paulette, the board voted to accept the recommendation for the violations with amendments as follows: The Board found clear and convincing evidence that Mark S. Carlson violated the following:**

**5 (23)  
File  
2002-03219  
Mark S.  
Carlson**

**§54.1-1106.1, Code of Virginia – Three Violations.** The motion was approved with a unanimous vote. Those members voting “Yes” were: **Redifer, Hart, Harris, Kinser, Kirby, Orange, Paulette, and Wood.** Upon a motion by **Kirby** seconded by **Redifer** the board voted unanimously to adopt the recommendations for the sanctions as follows: **Violation 1, \$1,000.00; Violation 2, \$1,000.00 and Violation 3, license revocation. For a total of \$2,000.00 in penalties and license revocation.** The motion was approved. Those members voting were: **Redifer, Harris, Hart, Kirby, Orange, Kinser, Paulette and Wood.** If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended.

In the matter of File Number 2002-03444, **David C. Alderman (Respondent) t/a L & D Home Improvement Construction, Disciplinary Record File**, the board reviewed the **Record # 2002-03444**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **David C. Alderman (Respondent) for L & D Home Improvement Construction** did not appear at the Board meeting or the IFF. He was not represented by counsel or any other qualified person. **Lena Barringer (Complainant)** did not attend the IFF or the Board meeting. The hearing officer **Falwell** recused himself and did not participate and did not vote. Upon a motion by **Wood**, seconded by **Paulette**, the board voted to accept the recommendation for the violations with amendments as follows: **The Board found clear and convincing evidence that David C. Alderman violated its 1999 Regulations: Count 1: 18 VAC 50-22-260(B)(8); Count 2: 18 VAC 50-22-230(A); Count 3: 18 VAC 50-22-260 (B)(23); Count 4: 18 VAC 50-22-260(B)(13) and Count 5: 18 VAC 50-22-260(B)(6).** The motion was approved with a unanimous vote. Those members voting “Yes” were: **Redifer, Hart, Harris, Kinser, Kirby, Orange, Paulette, and Wood.** Upon a motion by **Wood** seconded by **Orange** with a friendly amendment by **Paulette (accepted by Wood)** for Count 3 to increase the penalty from \$750.00 to \$2,500.00 due to the severity of the violation; the board voted unanimously to adopt the recommendations for the sanctions as follows: **Count 1, \$250.00. Count 2, \$500.00; Count 3, increased from \$750.00 to \$2,500.00 and license revocation due to the severity of the violation and to be consistent with previous Board actions for similar violations; Count 4, \$750.00 and Count 5, \$500.00. For a total of \$4,500.00 in penalties.** The motion was approved. Those members voting were: **Harris, Hart, Kirby, Orange, Kinser, Paulette, Redifer and Wood.** If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended.

5 (24)  
File  
2002-03444  
David C.  
Alderman

In the matter of File Number 2003-00801, Kidd And Co, Inc.. t/a Kidd Custom Homes/Underground Services, Disciplinary Record File, the board reviewed the Record # 2003-00801, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Kimberly Kidd (Respondent)** did not appear at the Board meeting in person by counsel or by any other qualified representative. She attended the IFF. **Frank Ware (Complainant)** did not appear at the Board meeting or the IFF. The hearing officer **Falwell** recused himself and did not participate and did not vote. Upon a motion by **Redifer** seconded by **Kirby**, the board voted to reject the hearing officer's recommendations and adopt the following recommendation for the violations: The Board finds clear and convincing evidence that **Kidd And Co. Inc.**, violated the following sections of its **2001 Regulations: Count 1: 18 VAC 50-22-260(B)(27) and Count 2: 18 VAC 50-22-260(B)(18)**. The motion was approved with a unanimous vote. Those members voting were: **Kinser, Kirby, Harris, Wood, Hart, Orange, Paulette and Redifer**. The motion was approved. Upon a motion by **Redifer** seconded by **Orange** the board voted to accept the recommendations for the sanctions as follows: The Board imposed the following sanctions: **Count 1: \$350.00 and Count 2: \$3,50.00. For a total penalty of \$700.00 and remedial education**. If the penalties are not paid within 60 days of the date of this order the license will automatically be suspended. The motion was approved with a unanimous vote. Those members voting were: **Kinser, Kirby, Hart, Harris, Wood, Paulette, Orange, and Redifer**. Kidd And Co., Inc. must complete the Basic Contracting Licensing Class (remedial education) within six months or license 2705-011835 will be automatically revoked.

5 (25)  
File  
2003-00801  
Kidd  
Custom  
Homes/  
Under-  
ground  
Services

In the matter of File Number 2003-01178, Dynamic Remodeling Inc. (Respondent) t/a Dynamic Remodeling, Inc. Disciplinary Record File, the board reviewed the Record # 2003-01178, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **No One** appeared on behalf of **Dynamic Remodeling, Inc. (Respondent)** at the Board meeting or the IFF. They were not represented by counsel or any other qualified person. **Dennis W. Hetzel (Complainant)** did not attend the Board meeting but he did attend the IFF. The hearing officer **Falwell** recused himself and did not participate and did not vote. Upon a motion by **Kirby** seconded by **Hart** the board voted to accept the hearing officer's recommendation for the violations as follows: **The Board found clear and convincing evidence that Dynamic Remodeling, Inc. violated its 2001 Regulations: Count 1: 18 VAC 50-22-230(A); Count 2: 18 VAC 50-22-260(B)(9); Count 3: 18 VAC 50-22-260 (B)(16) and Count 4: 18 VAC 50-22-260(B)(12)**. The motion was approved with a unanimous vote. Those members voting were: **Redifer, Hart, Harris, Kinser, Kirby, Orange, Paulette, and**

5 (26)  
File  
2003-01178  
Angle  
Painting  
License



**Wood.** Upon a motion by **Redifer** seconded by **Wood** the board voted unanimously to adopt the recommendations for the sanctions with amendments as follows: **Count 1, \$100.00; Count 2, \$250.00; Count 3, increased from \$1,500.00 to \$2,500.00 and license revocation due to the severity of the violations and to be consistent with previous Board actions for similar violations; Count 4, \$1,500.00. For a total of \$4,350.00 in penalties and successful completion of Remedial Education.** The motion was approved. Those members voting were: **Redifer, Harris, Hart, Kirby, Orange, Kinser, Paulette and Wood.** If the penalties are not paid within 60 days of the date of the order the license will automatically be suspended. If Dynamic Remodeling does not comply with the terms of the order and successfully complete the Basic Contractor Licensing Class (remedial education) their license 2705-052777 will be revoked.

In the matter of File Number 2003-01253, **Raymond Horton, Jr. t/a Cherry Hill Contracting; Disciplinary Record File**, the board reviewed the **Record # 2003-01253**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Raymond Horton, Jr. (Respondent)** did not appear at the IFF or the Board meeting. Neither Horton, counsel nor any qualified representative appeared. The hearing officer **Falwell** recused himself and did not participate and did not vote. **Harris** offered a motion seconded by **Orange** to adopt the hearing officer's summary and recommendations for violations. The Board found clear and convincing evidence that **Raymond A. Horton, Jr.** violated the following sections of its 2001 Regulations: **Count 1: 18 VAC 50-22-260(B)(8); Count 2: 18 VAC 50-22-260(B)(16) and Count 3: 18 VAC 50-22-230(A).** The motion was approved by a unanimous vote. Members voting were: **Redifer, Kinser, Kirby, Wood, Harris, Paulette, Orange and Parrish.** **Harris** offered a motion seconded by **Orange** to adopt the recommendations for the sanctions with amendments as follows: **Count 1: \$250.00; Count 2: increased from \$1,500.00 to \$2,500.00 and license revocation and Count 3: from \$400.00 to \$500.00 to be consistent with previous Board actions for similar violations. For a total monetary penalty of \$3,250.00 and license revocation. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended.** The vote was unanimous. Members voting were: **Paulette, Kinser, Kirby, Wood, Redifer, Harris, Orange and Hart.** The motion was approved.

5 (27)  
File  
2003-01253  
Cherry Hill  
Contracting

**In the matter of File Number 2003-03533, Kyle W Harris t/a Kyle Harris Construction; Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Harris** attended the IFF but not the Board meeting. The hearing officer **Falwell** recused himself and did not participate and did not vote. **Paulette** offered a motion to accept the hearing officer's recommendation and grant the license. **Kirby** seconded the motion. The motion was approved with a unanimous "Yes" vote. Members voting were: **Orange, Redifer, Kinser, Kirby, Hart, Wood, Harris and Paulette**. The license was granted.

**5 (28)**  
**File**  
**2003-03533**  
**Kyle W.**  
**Harris**

**In the matter of File Number 2004-00211, William A. Reynolds Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Reynolds** attended the IFF but not the Board meeting. The hearing officer **Falwell** recused himself and did not participate and did not vote. **Orange** offered a motion to accept the hearing officer's recommendation and grant the license. **Redifer** seconded the motion. The motion was approved. Members voting "Yes" were: **Orange, Redifer, Hart, Harris and Paulette**. Members voting "No" were: **Wood, Kinser and Kirby**. The license was granted.

**5 (29)**  
**File**  
**2004-00211**  
**William A.**  
**Reynolds**

**In the matter of File Number 2003-01040, Scott L. Wells (Respondent), t/a S W Contracting, Disciplinary Record File**, the board reviewed the **Record # 2003-01040**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Scott L. Wells (Respondent)** did not attend the Board's meeting in person or by counsel or by any other qualified representative. He attended the IFF. **Paul O. Leeks (Claimant)** attended the IFF. He did not attend the Board meeting. The hearing officer **Kirby** recused himself and did not participate and did not vote. **Paulette** offered a motion seconded by **Redifer** to adopt the hearing officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **Scott L. Wells** violated the following sections of its 2001 Regulations: **Count 1: 18 VAC 50-22-260(B) (15); Count 2: 18 VAC 50-22-260(B) (28); Count 3: 18 VAC 50-22-230(A)**. The motion was adopted with a unanimous vote. Those members voting "Yes" were: **Hart, Kinser, Falwell, Redifer, Paulette, Harris, Orange and Wood**. Upon a motion by **Paulette** seconded by **Redifer** the board voted to accept the recommendation for the sanctions as recommended by the hearing officer. **Count 1: \$2,500.00 and license revocation; Count 2: \$2,500.00 and license revocation and Count 3: \$350.00. For a total monetary of \$5,350.00 and license revocation**. The motion

**5 (30)**  
**File**  
**2003-01040**  
**Scott L.**  
**Wells**

was adopted by a unanimous vote. Members voting were: **Kinser, Wood, Hart, Redifer, Harris, Paulette, Orange and Falwell.** The monetary penalty must be paid within sixty days of the date of entry of the order or the license 2705-067146 will be automatically suspended.

In the matter of File Number 2003-01582, **Clint Horton (Claimant)** and **Solis Fence Company t/a Solis Fence Company (Regulant); Recovery Fund File;** the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Solis Fence Company (Regulant)** nor any qualified representative of the company made an appearance at the IFF or Board meeting in person or by counsel. **Mr. Clint Horton (Claimant)** appeared at the IFF but not at the Board meeting. The hearing officer, **Kirby** was recused and did not participate in the discussion or vote in this matter. **Redifer** offered a motion seconded by **Orange** to reverse the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$8,059.00.** The Board noted that Fraud was cited in the judgment and that is the same as improper and dishonest conduct. **Those members voting yes were: Falwell, Harris, Hart, Kinser, Paulette, Wood, Redifer and Orange.** The motion was approved by the unanimous vote.

5 (31)  
File  
2003-01582  
Solis Fence  
Company

In the matter of File Number 2003-02291, **David's Home Improvement, Inc., t/a David's Home Improvements, Inc., Disciplinary Record File,** the board reviewed the Record # 2003-02291, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **David's Home Improvement, Inc. (Respondent)** did not attend the Board's meeting or the IFF. They were not represented by counsel or by any other qualified representative. **Dr. John R. Pauswinski (Claimant)** did not attend the IFF or the Board meeting. The hearing officer **Kirby** recused himself and did not participate and did not vote. **Redifer** offered a motion seconded by **Wood** to adopt the hearing officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **David's Home Improvements, Inc.** violated the following sections of its 2001 Regulations: **Count 1: 18 VAC 50-22-260(B)(10); Count 2: 18 VAC 50-22-260(B)(6); Count 3: 18 VAC 50-22-260(B)(15); Count 4: 18 VAC 50-22-260(B)(12).** The motion was approved with a unanimous vote. Those members voting "Yes" were: **Hart, Kinser, Paulette, Wood, Redifer, Falwell, Orange and Harris.** Upon a motion by **Redifer**, seconded by **Wood** the board voted to accept the recommendation for the sanctions as recommended by the

5 (32)  
File  
2003-02291  
David's  
Home  
Improve-  
ments, Inc.

hearing officer as follows. **Count 1: \$500.00; Count 2: \$1,000.00; Count 3: \$2,500.00 and license revocation and Count 4: \$1,000.00. For a total monetary penalty of \$5,000.00 and license revocation. The monetary penalty must be paid within sixty days of the date of entry of the order or the license 2705-056983 will be automatically suspended. The vote was unanimous. Members voting "Yes" were: Redifer, Hart, Kinser, Paulette, Wood, Falwell, Orange and Harris. The motion was adopted.**

**In the matter of File Number 2003-00963, Arthur Adrian (Claimant) and Thomas Allen Hess, Jr. (Regulant); t/a Outdoor Maintenance Company, Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Allen Hess, Jr. (Regulant) nor any qualified representative of the company made an appearance at the Board meeting in person or by counsel or the IFF. Mr. Arthur Adrian (Claimant) appeared at the IFF but not the Board meeting. The hearing officer, Paulette was recused and did not participate in the discussion or vote in this matter. Redifer offered a motion seconded by Hart, to accept the hearing officer's recommendations and summary and deny the claim for payment based on §54.1-1120 of the Code of Virginia, in part, "4. The claimant shall be (I) and individual whose contract with the regulant involved contracting for the claimant's residence(s) located in the Commonwealth..." This was a boat ramp on a lot that did not have his personal residence on it, and therefore, it does not qualify. Those members voting yes were: Falwell, Harris, Hart, Kinser, Kirby, Wood, Redifer and Orange. The motion was approved.**

**5 (33)  
File  
2003-00963  
Outdoor  
Mainten-  
ance  
Company**

**In the matter of File Number 2003-00893, Brenden G. Melley (Claimant) and Richard Bowman (Regulant); t/a Royal Restorations, Inc., Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Richard Bowman (Regulant) nor any qualified representative of the company made an appearance at the Board meeting in person or by counsel or the IFF. Mr. Brenden G. Melley (Claimant) appeared at the IFF but not the Board meeting. The hearing officer, Paulette was recused and did not participate in the discussion or vote in this matter. Kirby offered a motion seconded by Redifer to accept the hearing officer's recommendations and summary and approve payment in the amount of \$4,600.00. Those members voting yes were: Falwell, Harris, Hart, Kinser, Kirby, Wood, Redifer and Orange. The motion was approved.**

**5 (34)  
File  
2003-00893  
Richard  
Bowman**

**In the matter of File Number 2003-00594, Mark Estrada and Rachel Garcia (Claimants) and Donald E. Haight (Regulant); t/a AA America's Best Construction, Recovery Fund File;** the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Donald E. Haight (Regulant)** nor any qualified representative of the company made an appearance at the Board meeting in person or by counsel or the IFF. **Estrada nor Garcia (Claimants) did not** appear at the IFF or the Board meeting in person or by counsel or by any other qualified representative. The hearing officer, **Parrish** was absent and did not participate in the discussion or vote in this matter. **Redifer** offered a motion seconded by **Paulette**, to accept the hearing officer's recommendations and summary and approve the claim for payment in the amount of **\$4,372.33**. **Those members voting yes were: Falwell, Harris, Hart, Kinser, Kirby, Paulette Wood, Redifer and Orange.** The motion was approved.

**5 (35)  
File  
2003-00594  
Donald E.  
Haight**

**In the matter of File Number 2003-00774, Kenneth Dwayne Blankenship t/a Homeworks Improvement Disciplinary Record File,** the board reviewed the **Record # 2003-00774**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Kenneth Blankenship (Regulant)** nor any one from his company appeared at the Board meeting or the IFF in person with counsel or by any other representative. **Scott Bauman (Complainant)** appeared at the IFF but not the Board meeting. The hearing officer **Redifer** recused himself and did not participate in this matter and did not vote. **Orange** offered a motion seconded by **Hart** to adopt the hearing officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that **Kenneth Dwayne Blankenship** violated the following sections of its **2001 Regulations: Count 1: 18 VAC 50-22-260(B) (15); Count 2: 18 VAC 50-22-260(B)(16).** The motion was approved with a unanimous vote. Those members voting "Yes" were: **Hart, Kinser, Kirby, Wood, Harris, Falwell, Orange and Paulette.** Upon a motion by **Paulette** seconded by **Orange** the board voted unanimously to accept the recommendation for the sanctions as recommended by the hearing officer as follows. **Count 1: \$2,500.00 and license revocation; Count 2: \$2,500.00 and license revocation. For a total monetary penalty of \$5,000.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended.** Members voting were: **Hart, Wood, Kinser, Kirby, Harris, Falwell, Orange and Paulette.** The motion was approved.

**5 (36)  
File  
2003-00774  
Homeworks  
Improve-  
ment**

In the matter of File Number 2003-01354, Kenneth Dwayne Blankenship t/a Homeworks Improvement Disciplinary Record File, the board reviewed the Record # 2003-01354, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Kenneth Blankenship (Regulant) nor any one from his company appeared at the Board meeting or the IFF in person with counsel or by any other representative. Scott Bauman (Complainant) appeared at the IFF but not the Board meeting. The hearing officer Redifer recused himself and did not participate in this matter and did not vote. Wood offered a motion seconded by Paulette to adopt the hearing officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that Kenneth Dwayne Blankenship violated the following sections of its 2001 and 2003 Regulations: Count 1(2001): 18 VAC 50-22-260(B) (27); Count 2(2001): 18 VAC 50-22-260(B)(6); Count 3(2001): 18 VAC 50-22-260(B)(30) and Count 4(2003): 18 VAC 50-22-260(B)(13). The motion was approved with a unanimous vote. Those members voting "Yes" were: Hart, Kinser, Kirby, Wood, Harris, Falwell, Orange and Paulette. Upon a motion by Kirby seconded by Falwell the board voted unanimously to accept the recommendation for the sanctions with amendments as follows. Count 1: \$1,000.00; Count 2: \$1,000.00; Count 3: \$500.00 and Count 4: increased from \$1,000.00 to \$2,500.00 for failure to respond to an investigator seeking information in an investigation and to be consistent with previous Board actions for similar violations. For a total monetary penalty of \$5,000.00. The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended. Members voting were: Hart, Wood, Kinser, Kirby, Harris, Falwell, Orange and Paulette. The motion was approved.

5 (37)  
File  
2003-01354  
Homeworks  
Improve-  
ment

In the matter of File Number 2003-01385, Scott Easter, C.E.O. t/a A & E International LLC; Disciplinary Record File, the board reviewed the Record # 2003-01385, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Scott Easter (Regulant) appeared at the IFF but not the Board meeting. Michael and Giulia Gustafson (Complainants) appeared at the IFF but not the Board meeting. The hearing officer Redifer recused himself and did not participate in this matter and did not vote. Paulette offered a motion seconded by Wood to adopt the hearing officer's recommendation for the violations as follows: The Board finds clear and convincing evidence that Scott Easter violated the following sections of its 1999 Regulations: Count 1: 18 VAC 50-22-260(B) (8); Count 3: 18 VAC 50-22-260(B)(13). The motion was adopted with a unanimous vote. Those members voting "Yes" were: Hart, Kinser, Kirby, Wood, Harris, Falwell, Orange and Paulette. Upon a motion

5 (38)  
File  
2003-01385  
A & E  
Construct-  
ion  
Company

by **Paulette** seconded by **Wood** the board voted unanimously to reverse the hearing officer's recommendation for the sanctions as follows. **Count 1: \$500.00. Count 3: no monetary penalty. For a total monetary penalty of \$500.00.** For Count 2: the Board closed this aspect of the file with a finding of no violation. The Board felt that some of the delays, which occurred on the project, were out of the control of A & E International LLC. **The monetary penalty must be paid within sixty days of the date of entry of the order or the license will be automatically suspended.** Members voting were: **Hart, Wood, Kinser, Kirby, Harris, Falwell, Orange and Paulette.** The motion was approved.

In the matter of File Number 2004-00701, **John H. Bennett t/a Bennett Flooring Service** Licensing File, the board reviewed the **Record # 2004-00701**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **John H and Jeannine Bennett** appeared at the IFF. Bennett did not appear at the Board meeting. The hearing officer **Redifer** recused himself and did not participate in the matter and did not vote. Upon a motion by **Orange** seconded by **Paulette** the board voted to accept the recommendation and approve **John H. Bennett's application** for license. The motion was approved with a unanimous vote. Those members voting "Yes" were: **Falwell, Harris, Hart, Kinser, Kirby, Orange, Paulette and Wood.** The license was granted.

5 (39)  
File  
2004-00701  
John H.  
Bennett

In the matter of File Number 2004-00709, **Mark Wayne Oliver Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Oliver** attended the IFF but not the Board meeting. The hearing officer **Redifer** recused himself and did not participate in the matter and did not vote. **Orange** offered a motion to accept the hearing officer's recommendation and grant the license. **Falwell** seconded the motion. The motion was approved by vote. Members voting "Yes" were: **Orange, Falwell, Hart, Harris and Paulette.** The license was granted. Members voting "No" were: **Kinser, Wood and Kirby.**

5 (40)  
File  
2004-00709  
Mark  
Wayne  
Oliver

In the matter of File Number 2004-01103, **Mark Wayne Oliver t/a Oliver's Home Improvement Application for License**, the board reviewed the licensing record, which consisted of the transcript and exhibits from the IFF, and the presiding board member's summary. **Mr. Oliver** attended the IFF but not the Board meeting. The hearing officer **Redifer** recused himself and did not participate in the matter and did not

5 (41)  
File  
2004-01103  
ark Wayne  
Wayne  
Oliver

vote. **Wood** offered a motion to reverse the hearing officer's recommendation and deny the license based on upon the record, including the information obtained from the Central Criminal Records Exchange and in consideration of the criteria outlined in §54.1-204 in which the Board believes he will pose a threat to the health, safety and welfare of the public, and §54.1-1108.2 which states"... as well as information demonstrating that the applicant possesses the character and minimum skills to properly engage in the occupation of contracting. **Falwell** seconded the motion. The motion was approved by vote. Members voting "Yes" were: **Falwell, Hart, Harris, Wood, Kirby and Paulette**. The license was denied. Members voting "No" were: **Kinser and Orange**. After a review of the facts, and the nature of the crimes the Board agreed it would be negligent on the part of the Board to grant a license to Mark Wayne Oliver.

**In the matter of File Number 2003-03216, Brad Lee Hodges Application for Tradesman License; Licensing File**, the board reviewed the **Record # 2003-03216**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Brad Lee Hodges** appeared before the board and at the IFF meeting. The hearing officer **Hollar** recused himself and did not vote. Upon a motion by **Kirby**, seconded by **Burch**, the board voted to accept the recommendation and approve **Brad Lee Hodges'** application for Tradesman license. The motion passed with a unanimous vote. Those members voting "Yes" were: **Falwell, Harris, Burch, Redifer, Kinser, Kirby, Orange and Parrish**. The motion was approved.

5 (42)  
File  
2003-03216  
**Buck Lee  
Hodges**

**In the matter of File Number 2002-01065, Board v. John K Ray t/a Vision Construction Services** the board reviewed the Consent Order. **John K. Ray** did not appear at the board meeting in person he sent a letter to the Board requesting they lower his fine. Upon a motion by **Kirby** seconded by **Orange** the board ratified the consent order to which the **John K. Ray** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1 (May 1, 1999): 18 VAC 50-22-260(B)(8), \$250.00 and remedial education (must be completed in six months or license will be suspended); Count 2 (May 1, 1999) 18 VAC 50-22-260(B)(12) decreased from \$1,750.00 to \$250.00 based on the documentation of completion of the contract received by the Board. For a total monetary penalty of: \$500.00 and remedial ed.** The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Paulette, Kinser and Redifer**. There

6 (1)  
File  
2002-01065  
**John K.  
Ray**



were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **Vision Construction Services'** license **2705-061563** will be automatically suspended. The motion was approved.

In the matter of File Number 2002-02362, Board v. Dalton T. Williford t/a D & W Home Improvements & Builders, the board reviewed the Consent Order. Dalton T. Williford did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Kirby seconded by Orange the board ratified the consent order to which the Dalton T. Williford acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: (2001 Regulation) 18 VAC 50-22-230(A), \$250.00; Count 2: (2001 Regulations) 18 VAC 50-22-260(B)(9), \$250.00.** For a total monetary penalty of **\$500.00.** The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Paulette, Kirby, Orange, Kinser, Wood and Redifer.** There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, Dalton T Williford's license **2705-015080** will be automatically suspended. The motion was adopted.

6 (2)  
File  
2002-02362  
Dalton T.  
Williford

In the matter of File Number 2002-03164, Board v. Designer Windows & Siding Llc t/a Designer Windows & Siding LLC. The board reviewed the Consent Order# 2004-0002. Designer Windows & Siding Llc. did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Kirby seconded by Orange the board ratified the consent order to which Designer Windows & Siding Llc. acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$250.00 and successful completion of Remedial Education (within six months of the order) for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(29).** The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer.** There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, Designer Windows & Siding Llc's license **2705-060763** will be automatically suspended. The motion was adopted.

6 ( 3)  
File  
2002-03164  
Designer  
Windows &  
Siding Llc.

**In the matter of File Number 2002-03389, Board v. James White Jr. t/a James White, Jr.** The board reviewed the Consent Order# 2004-0001. **James White, Jr.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Kirby** seconded by **Orange** the board ratified the consent order to which the **James White, Jr.** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of \$500.00 and successful completion of Remedial Education (within six months of the order) for violation of the Board's 1999 Regulation; Count 1: 18 VAC 50-22-260(B)(8), \$250.00 and Count 2: 18 VAC 50-22-260(B)(6), \$250.00. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer.** There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **James White, Jr.**'s license **2705-007224** will be automatically suspended. The motion was adopted.

6 (4)  
File  
2002-03389  
James  
White, Jr.

**In the matter of File Number 2002-03637, Board v. Carl Frye/s Housing Inc. t/a Carl Frye's Housing Inc.** The board reviewed the Consent Order# 2003-0152. **Carl Frye's Housing Inc.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Kirby** seconded by **Orange** the board ratified the consent order to which the **Carl Frye's Housing Inc.** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of \$1,000.00 and successful completion of Remedial Education (within six months of the order- with \$250.00 waived if completed as required) for violation of the Board's 2001 Regulation; Count 1: 18 VAC 50-22-260(B)(9), \$500.00; Count 2: 18 VAC 50-22-230(A), \$250.00 and Count 3: 18 VAC 50-22-260(B)(27), \$250.00. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer.** There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **Carl Frye's Housing Inc.**'s license **2705-031271** will be automatically suspended. The motion was adopted. If a member of the Responsible Management for **Carl Frye's Housing Inc.** fails to successfully complete remedial education within six months of the effective date of the order, then the monetary penalty will be automatically imposed.

6 (5)  
File  
2002-03637  
Carl Frye's  
Housing  
Inc.

**In the matter of File Number 2002-03738, Board v. L & L General Contractors Inc. t/a L & L General Contractors Inc.** The board reviewed the Consent Order# 2004-0065. **L & L General Contractors Inc.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Kirby seconded by Orange the board ratified the consent order to which the **L & L General Contractors Inc.** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$900.00 and successful completion of Remedial Education (within six months of the order- with \$500.00 for Count 1 and \$200.00 for Count 2 waived if completed as required)** for violation of the Board's 1999 Regulation; Count 1: 18 VAC 50-22-260(B)(14), \$500.00; Count 2: 18 VAC 50-22-260(B)(8), \$200.00 and Count 1: 18 VAC 50-22-260(B)(13), \$200.00. The vote was unanimous: Members voting yes were: Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **L & L General Contractors, Inc.**'s license **2701-026918** will be automatically suspended. The motion was adopted. If a member of the Responsible Management for **L & L General Contractors Inc.** fails to successfully complete remedial education within six months of the effective date of the order, then the monetary penalty will be automatically imposed.

6 (6)  
File  
2002-03738  
L & L  
General  
Contractors  
Inc.

**In the matter of File Number 2003-03637, Board v. Ernest Lee Tomes t/a Ernest Lee Tomes.** The board reviewed the Consent Order# 2003-0210. **Ernest Lee Tomes** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Kirby seconded by Orange the board ratified the consent order to which the **Ernest Lee Tomes** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Tradesman Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$250.00 for violation of the Board's 2001 Tradesman Regulation; Count 1: 18 VAC 50-30-190(14), \$250.00.** The vote was unanimous: Members voting yes were: Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **Ernest Lee Tome's** license **2710-031861** will be automatically suspended. The motion was adopted.

6 (7)  
File  
2003-00314  
Ernest Lee  
Tomes

In the matter of File Number 2003-00605, Board v. Charlottesville Construction and Services Inc. t/a Charlottesville Construction and Services Inc. The board reviewed the Consent Order# 2003-0203. Charlottesville Construction and Services Inc. did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Kirby seconded by Orange the board ratified the consent order to which the Charlottesville Construction and Services Inc. acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of \$500.00 and successful completion of Remedial Education (within six months of the order) for violation of the Board's 2001 Regulation; Count 1: 18 VAC 50-22-260(B)(9), \$250.00; Count 2: 18 VAC 50-22-260(B)(31), \$250.00 and remedial education. The vote was unanimous: Members voting yes were: Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, Charlottesville Construction and Services Inc.'s license 2705-061792 will be automatically suspended. The motion was adopted.

6 (8)  
File  
2003-00605  
Charlottes-  
ville  
Construct-  
ion and  
Services  
Inc.

In the matter of File Number 2003-00651, Board v. Pro-Tec Construction Services Inc. t/a Pro-Tec Construction Services Inc. The board reviewed the Consent Order# 2004-0043. Pro-Tec Construction Services Inc. did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Kirby seconded by Orange the board ratified the consent order to which the Pro-Tec Construction Services Inc. acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of \$750.00 and successful completion of Remedial Education (within six months of the order) for violation of the Board's 1999 Regulation; Count 1: 18 VAC 50-22-260(B)(14), \$250.00 and remedial education; Count 2 (2001 Regulation): 18 VAC 50-22-260(B)(29) (TWO COUNTS), \$250.00 for each violation, for a total of \$500.00. The vote was unanimous: Members voting yes were: Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, Pro-Tec Construction Services Inc.'s license 2705-027155 will be automatically suspended. The motion was adopted. The Board waives \$150.00 of the monetary penalty for Count 1 and \$150.00 for each violation in count 2 making a total of \$450.00 waived

6 (9)  
File  
2003-00651  
Pro-Tec  
Construct-  
ion Services  
Inc.

if a member of the Responsible Management of Pro-Tec successfully completes remedial education within six months; if not the monetary penalty will be automatically imposed.

**In the matter of File Number 2003-00708, Board v. Tony Lee Tusing t/a T-N-T Septic Service.** The board reviewed the Consent Order. **Tony Lee Tusing** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Kirby** seconded by **Orange** the board ratified the consent order to which the **Tony Lee Tusing** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$350.00 and successful completion of Remedial Education by a member of Responsible Management (within six months of the order) for violation of the Board's 2001 Regulation; Count 1: 18 VAC 50-22-260(B)(9), \$250.00 and remedial education; Count 2: 18 VAC 50-22-260(B)(27), \$100.00 and remedial education.** The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer.** There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **T-N-T Septic Service's** license **2705-059948** will be automatically suspended. The motion was adopted.

6 (10)  
File  
2003-00708  
Tony Lee  
Tusing

**In the matter of File Number 2003-01006, Board v. Mitchell & Delaina Stroop t/a Bo's Chimney Service.** The board reviewed the Consent Order# 2004-0061. **Bo's Chimney Service.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Kirby** seconded by **Orange** the board ratified the consent order to which the **Mitchell & Delaina Stroop** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$500.00 and successful completion of Remedial Education by a member of responsible management (within six months of the order) for violation of the Board's 2001 Regulation; Count 1: 18 VAC 50-22-260(B)(22), no monetary; Count 2: 18 VAC 50-22-260(B)(23), \$250.00 and remedial education; Count 3: 18 VAC 50-22-260(B)(23), \$250.00 plus remedial education.** The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer.** There were no negative votes. If the fine is not paid within 30 days of the effective

6 (11)  
File  
2003-01006  
Bo's  
Chimney  
Service

date of the Consent Order, **Bo's Chimney Service's** license **2705-064167** will be automatically suspended. The motion was adopted.

**In the matter of File Number 2003-01084, Board v. Thurlowe Scudder t/a The Cabinet Shoppe.** The board reviewed the Consent Order# 2004-0005. **The Cabinet Shoppe** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Kirby** seconded by **Orange** the board ratified the consent order to which **Thurlowe Scudder** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$350.00** and successful completion of Remedial Education by a member of Responsible Management (within six months of the order) for violation of the Board's 2001 Regulation; Count 1: 18 VAC 50-22-260(B)(9), \$100.00; Count 2: 18 VAC 50-22-260(B)(27), \$250.00 and remedial education. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer.** There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **The Cabinet Shoppe's** license **2705-031474** will be automatically suspended. The motion was adopted.

6 (12)  
File  
2003-01084  
Thurlowe  
Scudder

**In the matter of File Number 2003-01664, Board v. United Marjon Inc. t/a United Marjon Inc.** The board reviewed the Consent Order. **Charlottesville Construction and Services Inc.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Kirby** seconded by **Orange** the board ratified the consent order to which the **United Marjon Inc.** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$500.00** and successful completion of Remedial Education by a member of Responsible Management (within six months of the order) for violation of the Board's 1999 Regulation; Count 1: 18 VAC 50-22-260(B)(8), \$500.00 and remedial education. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer.** There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **United Marjon Inc.'s** license **2701-031936** will be automatically suspended. The motion was adopted.

6 (13)  
File  
2003-01664  
United  
Marjon Inc.

**In the matter of File Number 2003-01666, Board v. Paul A. White t/a Paul White Builder.** The board reviewed the Consent Order# 2004-0044. **Paul A. White** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Kirby** seconded by **Orange** the board ratified the consent order to which the **Paul White Builder** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$500.00 and successful completion of Remedial Education by a member of Responsible Management (within six months of the order)** for violation of the Board's 2001 Regulation; Count 1: 18 VAC 50-22-230(A), \$250.00 and remedial ed; Count 2: 18 VAC 50-22-260(B)(31), \$250.00. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer.** There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **Paul White Builder's** license **2705-021087** will be automatically suspended. The motion was adopted.

6 (14)  
File  
2003-01666  
Paul White  
Builder

**In the matter of File Number 2003-01707, Board v. Norfleet Builders Inc. t/a Norfleet Builders Inc.** The board reviewed the Consent Order# 2004-0014. **Norfleet Builders Inc.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Kirby** seconded by **Orange** the board ratified the consent order to which **Norfleet Builders Inc.** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$500.00 and successful completion of Remedial Education by a member of Responsible Management (within six months of the order)** for violation of the Board's 1999 Regulation; Count 1: 18 VAC 50-22-260(B)(6), \$250.00; Count 2: 18 VAC 50-22-260(B)(8), \$250.00 and remedial education. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer.** There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **Norfleet Builders Inc.'s** license **2705-066299** will be automatically suspended. The motion was adopted.

6 (15)  
File  
2003-01707  
Norfleet  
Builders  
Inc.

**In the matter of File Number 2003-01859, Board v. Dwayne R. & George R. Perkinson t/a Perkinson Custom Homes.** The board reviewed the Consent Order# 2004-0071. **Dwayne R. or George R.**

6 (16)  
File  
2003-01859

**Perkinson** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Kirby** seconded by **Orange** the board ratified the consent order to which the **Dwayne R. & George R. Perkinson** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$500.00** and **successful completion of Remedial Education** by a member of **Responsible Management** (within six months of the order) for violation of the Board's 1999 Regulation; **Count 1: 18 VAC 50-22-260(B)(8), \$250.00** and remedial education; **Count 2: 18 VAC 50-22-260(B)(6), \$250.00** and remedial education. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer**. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **Perkinson Custom Home's** license **2701-033145** will be automatically suspended. The motion was adopted.

**Perkinson  
Custom  
Homes**

In the matter of File Number **2003-02183**, **Board v. Anthony Clark Simpkins t/a S & W Construction**. The board reviewed the Consent Order# **2004-0035**. **Anthony Clark Simpkins** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Kirby** seconded by **Orange** the board ratified the consent order to which the **Anthony Clark Simpkins** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$750.00** and **successful completion of Remedial Education** by a member of **Responsible Management** (within six months of the order) for violation of the Board's 2001 Regulation; **Count 1: 18 VAC 50-22-260(B)(27), \$500.00** and remedial education; **Count 2: 18 VAC 50-22-260(B)(9), \$250.00**. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer**. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **S & W Construction's** license **2705-056190** will be automatically suspended. The motion was adopted.

**6 (17)  
File  
2003-02183  
Anthony  
Clark  
Simpkins**

In the matter of File Number **2003-02785**, **Board v. Kenneth Yates t/a Yates Home Repair**. The board reviewed the Consent Order# **2004-0073**. **Kenneth Yates** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a

**6(18)  
File  
2003-02785  
Kenneth**



motion by Kirby seconded by Orange the board ratified the consent order to which **Kenneth Yates** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$1,450.00** and successful completion of **Remedial Education** by a member of **Responsible Management** (within six months of the order) for violation of the Board's 2001 Regulation; Count 1: 18 VAC 50-22-260(B)(8), \$100.00; Count 2: 18 VAC 50-22-260(B)(9),(TWO COUNTS) @ \$150.00 each \$300.00 and remedial education; Count 3: 18 VAC 50-22-260(B)(27) (TWO)(COUNTS) @ \$150.00 each \$300.00; Count 4: 18 VAC 50-22-260(B)(17), \$500.00; Count 5: 18 VAC 50-22-260(B)(6), \$250.00. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer**. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **Kenneth Yates'** license **2705-062531** will be automatically suspended. The motion was adopted

**Yates**

In the matter of File Number 2003-02845, Board v. **Miller & Long Co. Inc. t/a Miller & Long Co. Inc.**, the board reviewed the record, which consisted of the Consent Order # 2004-0018. **Miller & Long Co. Inc.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Kirby seconded by Orange the board ratified the consent order to which **Miller & Long Co. Inc.** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$1,000.00** for violation of the Board's 2001 Regulation; Count 1: 18 VAC 50-22-260(B)(29), \$1,000.00. The motion was adopted with a unanimous vote. Members voting "Yes" were **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer**. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **Miller & Long Co Inc.'s** license **2701-003077** will be automatically suspended. The motion was adopted

6 (19)  
File  
2003-02845  
Miller &  
Long Co.  
Inc.

In the matter of File Number 2003-02991 Board v. **Kolb Electric Inc. t/a Kolb Electric Inc.**, the board reviewed the record, which consisted of the Consent Order. **Kolb Electric Inc.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Kirby seconded by Orange the board ratified the consent order to which **Kolb Electric Inc.** acknowledges an understanding of the charges and admits to the violation(s) of the

6 (20)  
File  
2003-02991  
Kolb  
Electric Inc.

Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$800.00** and successful completion of Remedial Education by a member of Responsible Management (within six months of the order) for violation of the Board's 2001 and 2003 Regulations; Count 1: 18 VAC 50-22-260(B)(9), \$250.00 and remedial ed; Count 2: 18 VAC 50-22-260(B)(6), \$100.00 and remedial education; Count 3: 18 VAC 50-22-260(B)(6) \$100.00; Count 4 (2003 Regulations): 18 VAC 50-22-260(B)(9), \$250.00; Count 5(2003 Regulations): 18 VAC 50-22-260(B)(6), \$100.00. The vote was unanimous: Members voting yes were: Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, Kolb Electric Inc.'s license 2701-013981 will be automatically suspended. The motion was adopted.

In the matter of File Number 2003-03144, Board v. Samuel A. Simpkins t/a Simpkins Construction the board reviewed the Consent Order# 2004-0066. Samuel A. Simpkins did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Kirby seconded by Orange the board ratified the consent order to which Samuel A. Simpkins acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$1,250.00** and successful completion of Remedial Education by a member of Responsible Management (within six months of the order) for violation of the Board's 2001 Regulation; Count 1: 18 VAC 50-22-230(A), \$250.00 and remedial education; Count 2: 18 VAC 50-22-260(B)(6),(THREE COUNTS) @ \$250.00 each \$750.00 and remedial education; Count 3: 18 VAC 50-22-260(B)(6), \$250.00 and remedial education. The vote was unanimous: Members voting yes were: Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, Samuel A. Simpkins' license 2701-030878 will be automatically suspended. The motion was adopted.

6 (21)  
File  
2003-03144  
Samuel A.  
Simpkins

In the matter of File Number 2004-00481, Board v. Virginia Enterprises Inc. t/a Virginia Enterprises Inc. The board reviewed the record, which consisted of the Consent Order. Virginia Enterprises Inc. did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by Kirby seconded by

6 (22)  
File  
2004-00481  
Virginia  
Enterprises

**Orange** the board ratified the consent order to which **Virginia Enterprises Inc.** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$250.00** and successful completion of Remedial Education by a member of Responsible Management (within six months of the order) for violation of the Board's 2003 Regulation; Count 1: 18 VAC 50-22-260(B)(29), **\$250.00** and remedial education. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer**. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **Virginia Enterprises Inc.** license **2701-035639** will be automatically suspended. The motion was adopted.

**In the matter of File Number 2004-00849, Board v. Professional Contractors Group Inc., t/a Professional Contractors Group Inc.** The board reviewed the record, which consisted of the Consent Order #2004-0072. **Professional Contractors Group Inc.** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Kirby** seconded by **Orange** the board ratified the consent order to which **Professional Contractors Group Inc.** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$250.00** and successful completion of Remedial Education by a member of Responsible Management (within six months of the order) for violation of the Board's 2003 Regulation; Count 1: 18 VAC 50-22-220(B), **\$250.00** and remedial education. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer**. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **Professional Contractors Group Inc.** license **2701-038974** will be automatically suspended. The motion was adopted.

**In the matter of File Number 2004-00902, Board v. William Gregory Price t/a William Gregory Price.** The board reviewed the Consent Order. **William Gregory Price** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Kirby** seconded by **Orange** the board ratified the consent order to which **William Gregory Price** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the

Board: which imposed a monetary penalty of **\$500.00** for violation of the Board's 2001 Regulation; Count 1: 18 VAC 50-22-220(B)(8), **\$500.00**. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer**. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **William Gregory Price's** license **2705-058325** will be automatically suspended. The motion was adopted.

In the matter of File Number 2004-01177, Board v. **Charlie Bill Smallwood, Jr. t/a Essential Remodeling** the board reviewed the Consent Order. **Essential Remodeling** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Kirby** seconded by **Orange** the board ratified the consent order to which **Essential Remodeling** acknowledges an understanding of the charges and admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: which imposed a monetary penalty of **\$500.00** and successful completion of Remedial Education by a member of Responsible Management (within six months of the order) for violation of the Board's 2003 Regulation; Count 1: 18 VAC 50-22-220(B)(27), **\$500.00** and remedial education. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer**. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **Charlie Bill Smallwood, Jr.'s** license **2705-068169** will be automatically suspended. The motion was adopted.

6 (25)  
File  
2004-01177  
**Charlie Bill  
Smallwood,  
Jr.**

In the matter of File Number 2004-00263, Board v. **Michael Ogle, President t/a Central VA Plumbing & Heating, Inc.** the board reviewed the Consent Order# 2004-0036. **Michael Ogle** did not appear at the board meeting in person, by counsel, or by any other qualified representative. Upon a motion by **Redifer** seconded by **Burch** the board ratified the consent order, which imposed a monetary penalty of **\$500.00** and remedial education. The vote was unanimous: Members voting yes were: **Falwell, Harris, Hollar, Parrish, Kirby, Orange, Burch and Redifer**. There were no negative votes. If the fine is not paid within 30 days of the effective date of the Consent Order, **Michael Ogle's** license will be automatically suspended. If the Basic

6 (26)  
File  
2004-00263  
**Michael  
Ogle**

**Contractor's licensing class has not been successfully completed within six months of the signing of the order then Michael Ogel's license.**

Eric Olson presented the Trades Committee Report. Part of this report included a discussion regarding the implementation of the updated code examinations that are scheduled to become effective on December 1, 2003. The Committee recommended that the Board adopt a policy that would restrict the results of the "old" examinations for one year. After a discussion by the Board, Hart offered a motion to allow the results of the old examination to be valid for one year, ending November 30, 2004. The motion was seconded by Orange and was approved by a unanimous vote. Members voting were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer.** There were no negative votes.

**Trades**  
**Committee**  
**Report**

The Committee also recommended that the Board, reinforce its stance regarding the validity of examination results used to reinstate a tradesman license. Current policy provides that a tradesman is not required to sit for an examination that they have already taken. With the change in the building codes and the implementation of the new examination, after November 30, 2003, no individual will have taken the new examination during the reinstatement period. After a discussion by the Board Paulette offered a motion to make November 30, 2003 the "drop dead date" for the use of the soon to be old examination for use during reinstatement. The motion was seconded by Kirby and was approved by a unanimous vote. Members voting were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Kinser, Paulette and Redifer.** There were no negative votes.

Mr. Olson provided a point of information to the Board informing them that he and the Regulatory Boards Administrator will be meeting with the Executive Directors of the Maryland Plumbing Board and Washington Suburban Sanitary to discuss Tradesman Reciprocity Licensing. He anticipates the meeting-taking place in Baltimore in January of 2004.

Mr. Olson asked the Board members to make certain they review their 2004 Informal Fact Finding Meeting Schedules and direct any questions regarding them to the Adjudication Section.

**Informal**  
**Fact**  
**Finding**  
**Schedule**

Chairman Kinser reminded the Board members it was time to elect officers. Redifer nominated Kinser to continue as chairman of the Board for Contractors and Wood seconded that nomination. The vote was eight yes and one abstains ion. Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Orange, Paulette and Redifer. Kinser abstained.** Kinser nominated Orange for the office of Vice Chair for the Board for Contractors and Falwell seconded the nomination. The vote was eight yes and one abstains ion. Members voting yes were: **Falwell, Harris, Hart, Wood, Kirby, Kinser, Paulette and Redifer. Orange abstained.**

**Election of Officers**

The Board reviewed the Recovery Fund Statements for August of 2003.

**Recovery Fund Reports**

Kinser reported on the Underground Utility Advisory Committee (Miss Utility). He shared that he has a seat on that committee and the Noel Taylor is the person to contact for training at 800-552-7945. The office is located downtown. He finds the committee to be very informative. The fines imposed by them generate revenue for their Board. Presently there is another seat open on the Miss Utility Committee.

**Committee Report**

Michael Redifer publicly commended the Board for Contractors on their excellent work during the hurricane.

**New Business**

Kinser reminded the board members to complete their travel vouchers and Conflict of Interest forms and to give them to Sheila Watkins at the end of the meeting for processing.

**Completion of Paperwork**


There being no further business to come before the board, the meeting was adjourned upon a motion by Redifer and seconded by Wood. The vote was unanimous. Members voting yes were, Harris, Wood, Hart, Kirby, Orange, Falwell, Paulette, Kinser and Redifer at 3:08 P M.

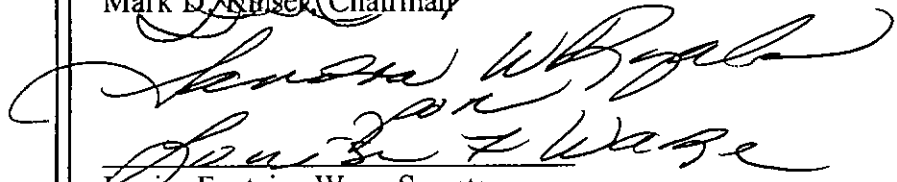
**Adjournment**

Contractor Board Meeting Minutes

November 19, 2003

Page 39 of 39

  
Mark D. Kinser, Chairman

  
Louise Fontaine Ware, Secretary

Copy teste:

\_\_\_\_\_  
Custodian of the Record

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Dorothy Wood
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

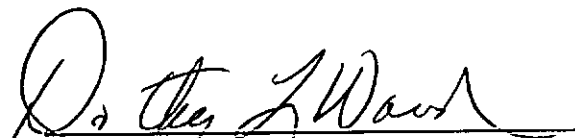
\_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_  
\_\_\_\_\_

- ☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
Signature

November 19, 2003  
Date



STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Michael D. Redifer
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_  
\_\_\_\_\_

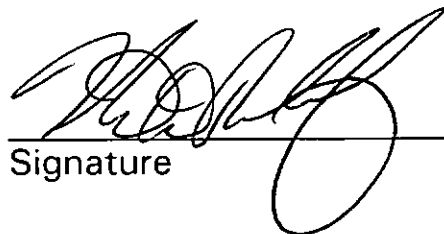
6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

UBLOA, UPMIA, IAEI, ICC, NFPA

\_\_\_\_\_

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
\_\_\_\_\_  
Signature

November 19, 2003  
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: William A. Paulette
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_

\_\_\_\_\_


6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

\_\_\_\_\_

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
Signature

November 19, 2003  
Date

**STATE AND LOCAL GOVERNMENT**

**CONFLICT OF INTEREST ACT**

1. Name: David O. Harris, Sr.
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_

\_\_\_\_\_

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

\_\_\_\_\_

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
Signature

November 19, 2003  
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Robert M. Kirby
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

POBS. D.E. Kirby, Inc.

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D.E. Kirby, Inc., Builders & Contractors Assn.,

AGC of Virginia

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Robert M. Kirby  
Signature

November 19, 2003  
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Charles W. Falwell
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_  
\_\_\_\_\_  
*NA*

6. I declare that:
  - (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_  
\_\_\_\_\_

- ☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

*Charles W. Falwell*  
\_\_\_\_\_  
Signature

November 19, 2003  
Date

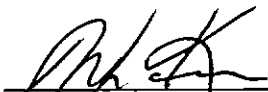
**STATE AND LOCAL GOVERNMENT**  
**CONFLICT OF INTEREST ACT**

1. Name: Mark D. Kinser
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_

\_\_\_\_\_

6. I declare that:
- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
- \_\_\_\_\_
- \_\_\_\_\_
- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
\_\_\_\_\_  
Signature

November 19, 2003  
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Anthony R. Orange
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_

\_\_\_\_\_

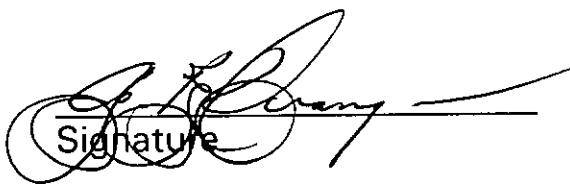
6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

L.L. 666 I.B.E.W

\_\_\_\_\_

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
Signature

November 19, 2003  
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Kenneth W. Hart
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_  
\_\_\_\_\_

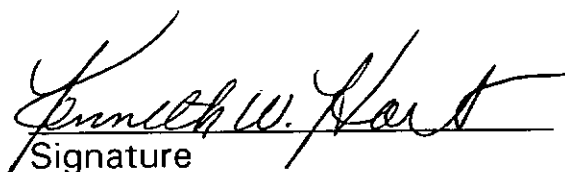
6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_  
\_\_\_\_\_



- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
Signature

November 19, 2003  
Date